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Sent: Saturday, June 23, 2018 3:15 PM

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Subject: Campbell v. PSBA

Dear Counsel,

Last month, I reached out at least once to each of you in your capacities as School Solicitors of the home Districts of the current PSBA Governing Board Members to give notice of my clients' intention to name each of your School District clients as additional defendants once the damages phase of this case gets underway. I also suggested that your District clients might begin to mitigate their damages, and improve their prospective settlement positions, were they to act to cease their ratification of PSBA's ongoing violations of my clients' First Amendment rights by causing their sponsored PSBA Governing Board member to act to cause PSBA to discontinue the SLAPP Suit with prejudice, and/or to remove their sponsored PSBA Governing Board member from his/her position on PSBA's Governing Board by resigning the District's entity membership in PSBA.

It has now been over a month, yet each of the nine voting members of PSBA's Governing Board who were serving as of the time of my May correspondence remain on PSBA's Governing Board. No action has been taken to discontinue the SLAPP Suit against my client. No action appears to have been taken by your District clients to cause their sponsored PSBA Governing Board member to act to cause PSBA to discontinue the SLAPP Suit. Each of your client's boards has met in public session at least once in the intervening time period. None of your client's boards appears to have taken any action to repudiate PSBA's continuing violations of my clients' constitutional rights, thereby further demonstrating that each of your clients in fact continues to support, and thereby ratify, the continued maintenance of PSBA's SLAPP Suit, and the continued involvement of its sponsored PSBA Governing Board member in the ongoing violation of my clients' constitutional rights.

As the attached decision, issued yesterday, denying Defendants' motion to dismiss Plaintiffs' federal civil rights action emphatically establishes, PSBA itself is a state actor, and each of PSBA and the individual defendants face both compensatory and punitive damages exposure. While your district clients, as government agencies, may be immune from punitive damages under Section 1983, no such governmental immunity exists with respect to the Dragonetti claims my clients are planning on asserting once the SLAPP Suit is permanently enjoined and dismissed. Dragonetti exposes to liability anyone "who takes part in the procurement, initiation or continuation of civil proceedings" Just as Plaintiffs contend that your District clients may be held liable under Section 1983 due to their ratification of the SLAPP Suit, so too, Plaintiffs contend that your District clients' ratification of at least the continuation of

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the SLAPP Suit makes the home Districts, and/or their individual members, persons/entities who are taking part in the continuation of the wrongful civil proceedings.

Every day that passes that your District clients do nothing to repudiate the PSBA's SLAPP Suit and cause its sponsored PSBA Governing Board member to act to make PSBA dismiss the SLAPP Suit with prejudice, is a day that my clients' fundamental constitutional rights continue to be violated, and your District clients' exposure to compensatory and punitive damages increases. Although my clients are no longer interested in entertaining separate settlement dialogues with your District clients, the sponsoring districts would still be well-advised to use their absolute ability to remove their sponsored member from PSBA's Governing Board either to cause PSBA to end the SLAPP Suit or to act to remove their sponsored member from the Governing Board.

Sincerely,

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